

**SUPREME COURT MINUTES  
THURSDAY, SEPTEMBER 16, 2010  
SAN FRANCISCO, CALIFORNIA**

**S184580**      F057671 Fifth Appellate District

**HOMEBUILDERS  
ASSOCIATION OF  
TULARE/KING COUNTIES,  
INC. v. CITY OF LEMOORE**

The time for granting or denying review in the above-entitled matter is hereby extended to October 18, 2010.

**S184824** A117715/A117750 First Appellate District, Div. 1

**KERN COUNTY WATER  
AGENCY v. WATERSHED  
ENFORCERS AND  
CONSOLIDATED CASE**

The time for granting or denying review in the above-entitled matter is hereby extended to October 22, 2010.

**S049626**

**PEOPLE v. HAJEK  
(STEPHEN EDWARD) & VO  
(LOI TAN)**

Extension of time granted

Appellant's request for relief from default is granted.

Good cause appearing, and based upon Senior Deputy State Public Defender Alison Pease's representation that she anticipates filing appellant Stephen Edward Hajek's reply brief by June 1, 2011, counsel's request for an extension of time in which to file that brief is granted to November 8, 2010. After that date, only four further extensions totaling about 205 additional days are contemplated.

**S067392**

**PEOPLE v. FREDERICKSON  
(DANIEL CARL)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Douglas Ward's representation that he anticipates filing the appellant's reply brief by December 2010, counsel's request for an extension of time in which to file that brief is granted to November 8, 2010. After that date, only one further extension totaling about 50 additional days is contemplated.

**S081918****PEOPLE v. McKINZIE  
(KENNETH)**

Extension of time granted

Good cause appearing, and based upon counsel Gregory L. Cannon's representation that he anticipates filing the appellant's reply brief by April 1, 2011, counsel's request for an extension of time in which to file that brief is granted to November 17, 2010. After that date, only three further extensions totaling about 135 additional days are contemplated.

**S113280****PEOPLE v. RUIZ (ALBERT)**

Extension of time granted

Good cause appearing, and based upon counsel Mark Goldrosen's representation that he anticipates filing the appellant's reply brief by March 2011, counsel's request for an extension of time in which to file that brief is granted to November 15, 2010. After that date, only two further extensions totaling about 120 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S113653****PEOPLE v. HOYT (RYAN  
JAMES)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 12, 2010.

**S130524****PEOPLE v. GOVIN  
(VIRENDRA)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to November 19, 2010.

**S138147****SMITH (GREGORY SCOTT)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Chuck Nacsin's representation that he anticipates filing the reply to the informal response by March 21, 2011, counsel's request for an extension of time in which to file that document is granted to November 12, 2010. After that date, only two further extensions totaling about 130 additional days are contemplated.

**S177188****LAWLEY (DENNIS HAROLD)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Wesley A. Van Winkle's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by November 15, 2010, counsel's request for an extension of time in which to file that document is granted to November 15, 2010. After that date, no further extension is contemplated.

**S180289**

D055068 Fourth Appellate District, Div. 1

**PEOPLE v. MAIKHIO  
(BOUHN)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to October 12, 2010.

**S181788**

C062809 Third Appellate District

**LUCAS (DAVID) ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to October 18, 2010.

**S183606****RANGEL, JR., (PEDRO) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Michael Dolida's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by March 16, 2011, counsel's request for an extension of time in which to file that document is granted to November 16, 2010. After that date, only two further extensions totaling about 120 additional days are contemplated.

**S113653****PEOPLE v. HOYT (RYAN  
JAMES)**

Order filed

Good cause appearing, appellant's "Application to File Opening Brief in Excess of Page Limit" is granted.

**S124660****RENO ON H.C.**

Order filed

The court's order filed September 15, 2010, is amended to read as follows:

The Secretary of the Department of Corrections and Rehabilitation is ordered to show cause before this court, when the matter is placed on calendar, whether the petition for writ of habeas corpus filed in this case should be considered an abuse of the writ (*In re Clark* (1993) 5 Cal.4th 750, 769-770), for the following reasons:

- (1) For failure to allege sufficient facts indicating the claims in the petition are timely or fall within an exception to the rule requiring timely presentation of claims (*In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark, supra*, 5 Cal.4th, 797-798);
- (2) For failure to allege sufficient facts indicating certain claims in the petition are cognizable despite having been raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Harris* (1993) 5 Cal.4th 813, 829-841);
- (3) For failure to allege sufficient facts indicating certain claims in the petition are cognizable despite the fact they could have been raised on appeal but were not (*In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Harris, supra*, 5 Cal.4th at pp. 829-841);
- (4) For failure to allege sufficient facts indicating certain claims in the petition are cognizable despite having been raised and rejected in petitioner's first habeas corpus proceeding, *In re Memro on Habeas Corpus*, S044437, petition denied June 28, 1995 (*In re Miller* (1941) 17 Cal.2d 734, 735);
- (5) For failure to allege sufficient facts indicating certain claims in the petition are cognizable despite the fact they could have been raised in the first petition (*In re Clark, supra*, 5 Cal.4th at pp. 774-775; *In re Horowitz* (1949) 33 Cal.2d 534, 546-547);
- (6) For failure to allege sufficient facts indicating that claims of insufficient evidence at trial to support a conviction are cognizable in a petition for a writ of habeas corpus (*In re Lindley* (1947) 29 Cal.2d 709, 723);
- (7) For failure to allege sufficient facts indicating that claims based on the Fourth Amendment are cognizable in a petition for a writ of habeas corpus (*In re Sterling* (1965) 63 Cal.2d 486, 487-488; *In re Sakarias* (2005) 35 Cal.4th 140, 169); and
- (8) For raising legal issues related to petitioner's first trial, when his conviction and sentence resulting from that trial were reversed by this court (*People v. Memro* (1985) 38 Cal.3d 658), absent any plausible explanation why such alleged errors affected the fairness of his subsequent retrial.

The return is to be served and filed in this court on or before October 16, 2010.

The traverse is to be served and filed within 30 days after the return is filed.

All discussion or briefing of the merits of any claim set forth in the petition is deferred pending further order of this court.